

REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in light of the following discussion is respectfully requested.

Claims 1-30 are currently pending. The present Amendment adds Claims 23-30. The additions to the claims are supported by the originally filed application. No new matter has been added.

In the outstanding Office Action, Claims 1-5, 7-9, 11-16, 18-20, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark et al. (U.S. Patent No. 6,784,869, herein "Clark") in view of Vaughan et al. (U.S. Patent No. 5,905,497, herein "Vaughan"); Claims 6 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Vaughan, further in view of Yoshino et al. (U.S. Patent No. 5,548,304, herein "Yoshino") and Claims 10 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark in view of Vaughan, further in view of Oder et al. (U.S. Patent No. 5,475,594, herein "Oder").

In response to the rejection of Claims 1-5, 7-9, 11-16, 18-20, and 22 under 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of the rejection and traverses the rejection for the reasons set forth below.

Briefly recapitulating, Applicant's invention, as recited in Claim 1, is directed to a dialog system for dialog between an operator of an aircraft and at least one system of the aircraft, including: a display configured to display at least one window including a plurality of responsive objects respectively associated with one of multiple functions of the at least one system of the aircraft; a cursor control device including a cursor moving mechanism configured to move a cursor on the display so as to designate a responsive object such that when the cursor is on the responsive object, a main object marker appears and designates the responsive object; and an auxiliary control device including a discrete moving mechanism

configured to cause a discrete displacement of an auxiliary object marker on the display, responsive object by responsive object, so as to designate a responsive object without affecting control of the main object marker.

The Office Action asserts regarding Clark that the “switches 212a1, 212a2, and 212a3 (fig. 2A) defined an auxiliary control device including a discrete moving mechanism.” Applicant respectfully disagrees that the cited switches teach “an auxiliary control device including a discrete moving mechanism configured to cause a discrete displacement of an auxiliary object marker on the display, responsive object by responsive object, so as to designate a responsive object.” To that effect, Applicant respectfully submits that “[p]ressing one of the switches, 212a<sub>1</sub>, 212a<sub>2</sub> or 212a<sub>3</sub> causes the cursor to jump to the next adjacent display in the direction indicated by the arrow label on the switch.”<sup>1</sup> Therefore, the cited switches only produce a transfer of the cursor from one display to another display, and do not provide for any discrete movement of the cursor on a given display window, and even less any discrete “responsive object by responsive object” movement. Moreover, the cited switches transfer a *cursor* from display to display and not the *auxiliary object marker* claimed in addition to a cursor. That is, the switches of Clark do not teach “an auxiliary control device including a discrete moving mechanism configured to cause a discrete displacement of *an auxiliary object marker on the display, responsive object by responsive object*, so as to designate a responsive object,” as recited in Claim 1 (and similarly recited in Claim 12).

Therefore, since the Vaughn patent does not teach the afore-mentioned features of independent Claims 1 and 12, the combination of the Clark and Vaughn patents, even if assumed to be proper, fails to teach every element of the claimed invention. Specifically, the combination fails to teach “an auxiliary control device including a discrete moving

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<sup>1</sup> Clark, column 6, lines 24-26.

mechanism configured to cause a discrete displacement of an auxiliary object marker on the display, responsive object by responsive object, so as to designate a responsive object without affecting control of the main object marker.” Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.<sup>2</sup>

Furthermore, Applicant respectfully submits that since “[p]ressing one of the switches, 212a1, 212a2 or 212a3 causes the cursor to jump to the next adjacent display in the direction indicated by the arrow label on the switch,” in Clark, the cited switches would affect “control of the main object marker” since the switches actually transfer the cursor to another display. Therefore, Applicant respectfully submits that Clark also fails to teach “designate a responsive object without affecting control of the main object marker,” as recited in Claim 1 (and similarly recited in Claim 12). The Office Action conceded this point but asserted that the teachings of Vaughn could be used to modify the switches of Clark to cure the deficiencies of Clark. However, any modification of Clark’s switches to meet the language of the claim *would entail changing the principle of operation* of Clark’s switches from switches that transfer a cursor from one display to another display to switches that accomplish something in a given display. A person of ordinary skill in the art would not be motivated to make such changes of the Clark’s switches because such modification would render the Clark system inoperative as the Clark cursor would no longer transfer to another display and would no longer function as intended. Therefore, Applicant respectfully submits that the references are not sufficient to render the claims *prima facie* obvious.<sup>3</sup>

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<sup>2</sup> See M.P.E.P. 2142 stating, as one of the three “basic criteria [that] must be met” in order to establish a *prima facie* case of obviousness, that “the prior art reference (or references when combined) must teach or suggest all the claim limitations,” (emphasis added). See also MPEP 2143.03: “All words in a claim must be considered in judging the patentability of that claim against the prior art.”

<sup>3</sup> See MPEP 2143.01: “If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”

In response to the rejection of Claims 6 and 17 under 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of the rejection and traverses the rejection for the reasons set forth below.

Applicant respectfully submits that since the Yoshino patent does not teach the aforementioned features of independent Claims 1 and 12, the combination of the Clark, Vaughn, and Yoshino patents, even if assumed to be proper, fails to teach every element of the claimed invention. Specifically, the combination fails to teach “an auxiliary control device including a discrete moving mechanism configured to cause a discrete displacement of an auxiliary object marker on the display, responsive object by responsive object, so as to designate a responsive object without affecting control of the main object marker,” as recited in independent Claim 1 (and similarly recited in independent Claim 12). Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.

In response to the rejection of Claims 10 and 21 under 35 U.S.C. § 103(a), Applicant respectfully requests reconsideration of the rejection and traverses the rejection for the reasons set forth below.

Applicant respectfully submits that since the Oder patent does not teach the aforementioned features of independent Claims 1 and 12, the combination of the Clark, Vaughn, and Oder patents, even if assumed to be proper, fails to teach every element of the claimed invention. Specifically, the combination fails to teach “an auxiliary control device including a discrete moving mechanism configured to cause a discrete displacement of an auxiliary object marker on the display, responsive object by responsive object, so as to designate a responsive object without affecting control of the main object marker,” as recited in independent Claim 1 (and similarly recited in independent Claim 12). Accordingly,

Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.

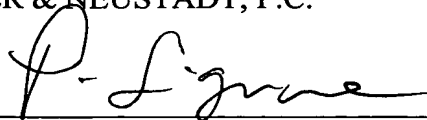
Further, in order to vary the scope of protection recited in the claims, new dependent Claims 23-30 are added. New Claims 23-30 find non-limiting support in the disclosure as originally filed, for example at page 5, lines 6-8; page 6, lines 18-20; and page 6, lines 25-29. Therefore, the changes to the claims are not believed to raise a question of new matter.<sup>4</sup> The prior art fails to teach or suggest the features of Claims 23-30 combined with the features recited in the independent claims.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-30 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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<sup>4</sup> See M.P.E.P. 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."